



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** September 4, 2008  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-115923 HDZ – NEW TELECOM EQUIPMENT ON OREGON TRANSFER BUILDINGS/CHOWN PELLA LOFTS**

**GENERAL INFORMATION**

**Applicant:** Charles Wiens, Powder River Development  
5256 SW Dosch Rd / Portland, OR 97201  
(503) 314-3985

**Owner:** Chown Pella Condominiums – Owners’ Association  
2105 SE 9th Ave / Portland, OR 97214

**Site Address:** 416 NW 13<sup>th</sup> Avenue

**Legal Description:** COMMON ELEMENTS, CHOWN PELLA CONDOMINIUMS  
**Tax Account No.:** R157000010 **State ID No.:** 1N1E33DA 70000 **Quarter Section:** 3028  
**Neighborhood:** Pearl District, contact Patricia Gardner at 503-228-3273.  
**Business District:** Pearl District Business Association, contact Adele Nofield at 503-223-0070.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - River District  
**Other Designations:** Primary Contributing Structure in NW 13<sup>th</sup> Ave Historic District  
**Zoning:** Central Employment with design overlay (EXd)  
**Case Type:** Historic Design Review (HDZ)  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:** The applicant proposes new Clearwire telecommunications equipment on the rooftop of the Oregon Transfer Buildings, commonly known as the Chown Pella Lofts. The two buildings are internally connected and have operated as a single building for many decades. Clearwire is a wireless internet telecommunications company in the process of constructing a series of transmission sites in the Portland area. With the exception of a site-support cabinet, the proposed equipment will all be located on an existing penthouse located near the northwest corner of the taller building, behind a shorter penthouse. The proposed equipment consists of the following:

1. Three panel antennas will be pipe-mounted to the north (facing NW Glisan Street) façade of the existing penthouse.
2. Three panel antennas and two microwave dishes will be pipe-mounted to the west (facing NW 13<sup>th</sup> Avenue) façade of the existing penthouse.
3. Three panel antennas and three microwave dishes will be pipe-mounted to the south (facing NW Flanders Street) façade of the existing penthouse.

Each panel antenna will be about 4'-0" tall x 0'-6" wide. Each microwave dish will be about 1'-2" long x 1'-2" wide. The antennas and dishes will be mounted on pipes that are about 4" in diameter. Each mounting pipe is about 3" in diameter and no taller than 6'-6".

One site-support cabinet will be placed on the rooftop about 28'-0" from the western edge of the roof, about 20'-0" south of the existing penthouse, and adjacent to several existing rows of vents. The cabinet is about 5'-2" tall x 3'-9" wide. It will be placed on decking that is about 1'-6" tall, making the total height about 6'-8" tall. A global positioning (GPS) unit will be mounted to the cabinet, protruding about 5" above the top of the cabinet. The GPS unit is about 6" in diameter.

Because the proposal is for exterior alterations to a building in a designated historic district, Historic Design Review is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- |  |  |
|--|--|
| ■ 33.274 Radio Frequency Transmission Facilities | ■ <i>Central City Fundamental Design Guidelines</i>                    |
| ■ 33.846 Historic Review                         | ■ <i>NW 13<sup>th</sup> Avenue Historic District Design Guidelines</i> |

## ANALYSIS

**Site and Vicinity:** The site is the Oregon Transfer Buildings, commonly known as the Chown Pella Lofts. The two buildings, originally constructed as warehouses, are internally connected and have operated as a single building for many decades. They both exhibit the Brick Utilitarian style, with brick walls and heavy timbers. The northern building is four stories tall and was constructed in 1909. The southern building, which is where the proposed equipment will be located, is seven stories tall and was constructed in 1911. They were both designed by Edward T. Roof. Oregon Transfer Company owned the buildings until 1979, when Chown, Inc. purchased them to house the Chown/Pella window and door division. In 1996, the buildings were converted for ground-floor retail space and 68 loft-style condominiums at the upper floors. The Chown Pella Lofts were part of the first wave of residential conversion in the Pearl District.

**Zoning:** The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate that prior land use reviews include the following:

- HLDZ 63-86 approved the NW 13<sup>th</sup> Avenue Historic District designation.
- HL 14-89 approved a ground-floor remodel.
- HL 46-90 approved a renovation with the condition that final plans for a new east entry and landscaping be submitted.
- LUR 94-00184 DZ approved, with conditions, the remodel of the Chown Pella building for condominiums and ground-level retail space. The Modifications approved included ground-floor window Modifications at each street façade, surface parking setbacks and perimeter landscaping Modifications, and parking lot interior landscaping Modifications. The condition of approval required protective curbs around landscaping; protective curbs along the edges of all perimeter and interior landscaped areas; and adequate protection from car doors and bumpers around all trees.
- LUR 94-00185 CU approved, with conditions, an 84-space parking facility providing accessory parking for the building [40 structured spaces, 44 surface lot spaces, 72 spaces accessory to residential uses, 12 spaces accessory to retail uses]. Conditions of approval required that an inventory of the parking be filed with the Parking Manager, the number of spaces not exceed 84 spaces, and access to the parking be from NW 12<sup>th</sup> Avenue.
- LU 04-012020 HDZ approved a sign to be attached to the north elevation of the building.
- LU 04-026747 HDZ approved a new rooftop deck near the SE corner of the 4-story building.

**Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on May 14, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation;
- Site Development Section of the Bureau of Development Services; and
- Life Safety (Building Code) Section of the Bureau of Development Services.

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on May 14, 2008. Four written comments in response to the proposal have been received from notified property owners. Two responses were received after the public comment period ended. These responses cannot be included. For additional information, see Exhibits F-1 through F-4.

1. Trisha and Tom Hassler, residents of the Chown Pella Lofts, wrote via electronic mail on May 30, 2008. They own unit #608, which includes the penthouse where all of the equipment will be located. They state that there were chronic water-leakage problems at the penthouse over the past 11 years, and that these problems have just recently been solved. They request that "great care be taken with the installation so as to not disturb the integrity and weather-tightness of any walls involved in the installation."

Staff response: *The applicant has received a copy of the Hasslers' e-mail, and staff has communicated to the applicant the importance of ensuring careful installation of the proposed equipment.*

2. Rita Silen resident of the Chown Pella Lofts, mailed a letter in opposition to the proposal. It was received on May 27, 2008. The letter states that the condominium board was not notified of the proposal. Additionally, Ms. Silen states that although “the equipment is not large, there may be health risks that have not been investigated.”

Staff response: *Staff has confirmed with the applicant that Clearwire underwent the proper procedures to secure approval from the Chown Pella Lofts condominium board. Regarding “health risks,” see staff response to #3 below.*

3. Patricia Tarzian, resident of 1001 NW Lovejoy Street, mailed a letter in opposition to the proposal. It was received on May 28, 2008. The letter states that telecommunications equipment “constitutes a highly controversial environmental and health issue.” The letter also states that health studies have been conducted linking telecommunications equipment to illnesses such as migraine headaches, depression, and blood disorders. The letter requests that such installations not be allowed in the Pearl District or in any other residential areas.

Staff response: *The location of the proposed equipment is in compliance with 33.274 Radio Frequency Transmission Facilities of the Portland Zoning Code, which includes standards regarding the required distance of telecommunications equipment from habitable space. Staff is aware that health studies have been conducted indicating a link between telecommunications equipment and health problems. However, staff’s decision to approve or deny the proposal must be based on the applicable design guidelines, which are the Central City Fundamental Design Guidelines and the NW 13<sup>th</sup> Avenue Historic District Design Guidelines. Neither of these documents includes any guidelines regarding the physical or mental health effects of proposed development. Therefore, concerns regarding health effects cannot be considered as part of staff’s decision-making process. Furthermore, federal law prohibits the City of Portland from considering health effects in the siting of telecommunications equipment.*

4. Nancy Trapp and Martin White, residents of the Chown Pella Lofts, mailed a letter in opposition to the proposal. It was received on May 30, 2008. The letter states that there are already “plenty of air conditioning units and wiring on the roof as it is,” and that no additional “equipment or wires or non-residents” should be allowed on the roof of this “historic property.”

Staff response: *All of the proposed equipment will be located on an existing penthouse that is not considered a historically significant part of the building. The only piece that will be placed on the actual rooftop is the site-support cabinet. The penthouse-mounted equipment, the site-support cabinet, and all associated cabling will be painted to match the color of the rooftop, to minimize visual effects. Neither the penthouse-mounted equipment nor the site-support cabinet will emit any audible noise. Thusly, the proposed equipment will not have similar visual or aural effects as the existing rows of ventilation equipment on the rooftop.*

## ZONING CODE APPROVAL CRITERIA

### **Chapter 33.846, Historic Reviews**

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the NW 13<sup>th</sup> Avenue Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the Historic NW 13<sup>th</sup> Avenue District Design Guidelines and the Central City Fundamental Design Guidelines.

## **Historic NW 13<sup>th</sup> Avenue District Design Guidelines and Central City Fundamental Design Guidelines**

The NW 13<sup>th</sup> Avenue Historic District has been designated as a Portland Historic District and has also been listed on the National Register of Historic Places, in recognition of its unique architectural and historical qualities. It contains an outstanding ensemble of late 19<sup>th</sup> and early 20<sup>th</sup> century loft warehouse structures. These structures display a remarkable uniformity of design, materials, and special features. The essential character of the District lies in this architectural coherence and uniformity, and in the street itself. Northwest 13<sup>th</sup> Avenue is the spine of the District. The District remains as a primary expression of the City's historical development as a center of commerce and distribution.

Because of its Historic District status, properties within the NW 13<sup>th</sup> Avenue Historic District are subject to review by the Portland Historical Landmarks Commission of any new construction or exterior remodeling. Each Historic District has design guidelines which the Commission uses in its review of projects. The purpose of these guidelines is to encourage rehabilitation and new construction which respect and enhance the historical character of the district. The guidelines are not intended to be inflexible; rather, they seek to guide development and rehabilitation in a manner compatible with the District character.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

### **Central City Plan Design Goals**

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

*Note: In the findings below, the two buildings that make up the subject site are referred to and considered as one building.*

## **I. Guidelines for Exterior Remodeling Historic NW 13<sup>th</sup> Avenue District**

### **1. Visual Integrity of Structure.**

The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements should be maintained. Such structural lines should be restored if previous alterations have substantially changed them.

**Findings for 1:** The existing building has vertical lines of pilasters. The building is horizontally defined by pairs of double-hung windows and cement segmental arches at the parapet. The proposed equipment will be located far from these vertical and horizontal features. With the exception of the site-support cabinet, all of the proposed telecommunications equipment will be located on a non-descript penthouse, which is located about 16'-0" from the western roof edge, which is the closest roof edge. The equipment will all be painted to match the background color of the penthouse. Furthermore, the penthouse is located behind a shorter penthouse. This shorter penthouse obscures some views of the subject penthouse, making it difficult to view the proposed equipment from the surrounding streetscape. Thusly, due to the treatment and location of the equipment, it will not affect the visual integrity of the subject building.

The site-support cabinet will be located on the rooftop about 28'-0" from the western edge of the roof, which is the nearest roof edge. The cabinet will be painted to match the color of the existing rooftop. The cabinet will stand about 6'-8" tall. Due to its treatment and location, it will not affect the visual integrity of the subject building.

*Therefore this guideline is met.*

### **2. Scale and Proportion.**

The scale and proportion of altered or added building elements, and the relationship of voids to solids (that is, the relationship of doors and windows to walls and column elements) should be visually compatible with the traditional architectural character of the historic district. Avoid blank walls on street elevations, especially on ground floors, unless there is a historic precedent for the blank wall.

**Findings for 2:** The scale and proportion of the proposed equipment are compatible with the character of the historic district. The equipment will be located on the rooftop, adjacent to dozens of existing vents and other pieces of rooftop mechanical equipment. The proposed panel antennas to be mounted on an existing penthouse are each 4'-0" tall x 0'-6" wide, and the proposed microwave dishes are each 1'-2" squares. The mounting pipes are each 0'-3" in diameter and no taller than 6'-6". Neither the antennas nor the pipes will extend above the top of the penthouse. The site-support cabinet to be located on the rooftop of the building is about 6'-8" tall x 3'-9" wide. (This height includes decking on which the cabinet will be mounted.) By virtue of the relatively small size of each piece of equipment and the equipment's location on the rooftop – almost all of it on a penthouse structure – visual compatibility is achieved. The traditional architectural character of the historic district will not be adversely affected.

*Therefore this guideline is met.*

### **3. Exterior Building Materials.**

Most of the buildings within the NW 13th Avenue Historic District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textural surface character. Surfaces should be treated, repaired, and maintained in a manner which respects this character.

#### **a. Walls.**

- Wall materials within the District maintain a fairly uniform surface texture, but are articulated through columns, piers, and surface ornamentation. Bricks, stone and plaster are the predominant materials. Original building materials should be preserved wherever possible. Cleaning and/or repainting of masonry is preferred over replacement. If masonry has to be replaced, it should be done with original or new masonry of matching color, texture, size and coursing. Mortar color should match the color and joint configuration of the existing masonry wall. Plastered surfaces should be cleaned, repaired with a similar plaster texture, and repainted. Avoid exposing brick to the weather by removing finish plaster, as this will speed deterioration of the brick. Artificial and/or inappropriate coverings, such as metal, plastic, or wood sidings, should not be applied to masonry surfaces.

**b. Storefronts, Doors, and Windows.**

- The shape, size, placement and trim of storefront openings are a key element in establishing the character of a building. Where original storefronts remain, they should be preserved and repaired. Where covered with other materials, the latter materials should be removed to determine the condition of the original materials.
- Storefronts requiring new materials may include a wide variety of replacement systems. Building Codes require non-combustible materials (steel, aluminum, etc.), but wood systems may be acceptable provided other means of fire protection are installed. Wood systems should be painted.
- New window and door openings should maintain a similar horizontal and vertical relationship as the originals. Traditionally, ground floor window systems vary in the District — some buildings feature multi-paned wood or metal industrial casement windows. Other buildings feature large storefront panes with smaller transom panes above. Still others feature ground floor systems similar to upper floor systems, typically double-hung, one-over-one, wood sash windows.
- Clear glass should be used instead of tinted glass. Original hardware should be maintained wherever possible. If not, new hardware should be in keeping with original designs.

**c. Loading Docks, Overhead Doors, and Canopies.**

- Many of the buildings along NW 13th Avenue have concrete or wood loading docks projecting into the street, with canopies above and roll-up doors adjacent to the loading space. These features are among the most distinctive features in the District, and should be retained even where loading operations have been discontinued. New docks are also encouraged, to a maximum projection of 11'-0".

**Findings for 3:** The proposal does not affect any storefronts, doors, windows, loading docks, overhead doors, or canopies on the building. The existing penthouse, which does not have historic significance, has wood-stud walls with a stucco finish. The areas of the penthouse walls where the equipment will be located will be re-finished as necessary following installation. *Therefore this guideline is met.*

- 4. Rear and Side Walls and Roofs.** Generally, the issues which apply to the fronts of buildings also, apply to rear and side walls. Masonry surfaces should be repaired as necessary. Historic elements on rear or side walls, such as old painted wall signs, and historic roof top features, such as water towers, should be retained where practicable. New openings are allowed in rear or side walls, but should be a consistent system (as opposed to random placement) which doesn't detract from primary elevations.

**Findings for 4:** None of the proposed equipment will affect the rear or side walls of the subject building, or the two existing historic water tanks located on the rooftop. The penthouse where the proposed panel antennas and microwave dishes will be mounted was is not considered to have historic significance. *Therefore this guideline is met.*

## **II. Central City Fundamental Design Guidelines**

### **A4. Use Unifying Elements.**

Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.**

Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**B2. Protect the Pedestrian.**

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**C2. Promote Quality and Permanence in Development.**

Use design principles and building materials that promote quality and permanence.

**Findings for A4, A5, B2, C2:** The sense of place in the NW 13<sup>th</sup> Avenue Historic District and the Pearl District neighborhood includes high-quality architecture and a visually appealing pedestrian environment. The maintenance of these defining characteristics rests on many factors, one of which is the appropriate location of telecom equipment. When telecom equipment is not located properly, there is potential for visual clutter that detracts from the aforementioned characteristics.

The proposal calls for new telecommunications equipment to be located on the Chown Pella Lofts in the NW 13<sup>th</sup> Avenue Historic District. Due to the equipment's location on an existing penthouse that is about 16'-0" from the nearest roof edge, and is located behind another existing penthouse, it will be difficult to view from the surrounding pedestrian-level environment. The site-support cabinet will also be difficult to view from the streetscape, as it will be located on the rooftop, about 28'-0" from the nearest roof edge. Additionally, the panel antennas, microwave dishes, mounting pipes, associated cabling and hardware, and the site-support cabinet will be painted to match the color of the rooftop. In order to ensure that this is achieved, a condition of approval requiring such has been added to this decision. Through proper location and treatment of the proposed equipment, the sense of place and identity of NW 13<sup>th</sup> Avenue and the Pearl District are protected and maintained.

*With the condition of approval that the site-support cabinet be painted to match the color of the existing rooftop and all other equipment be painted to match the color of the penthouse, these guidelines are met.*

**C3. Respect Architectural Integrity.**

Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.**

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**C11. Integrate Roofs and Use Rooftops.**

Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C3, C5, C11:** The proposal follows the principle of maintaining design coherency and architectural integrity in a few principal ways. Firstly, it is achieved through careful location of the equipment. Originally some of the equipment was



proposed to be located on the legs of the existing water tank at the eastern edge of the rooftop. All of the equipment, with the exception of the site-support cabinet, is now proposed to be located on the walls of an existing penthouse. The penthouse is about 16'-0" from the nearest roof edge, behind another existing penthouse. None of the equipment will rise about the roof of the penthouse. None of it will protrude more than about 1'-3" from the face of the penthouse.

Secondly, the treatment of the proposed equipment helps to achieve design integration and respect for architectural integrity. The panel antennas, microwave dishes, mounting pipes, and associated cabling and hardware will be painted to match the color of the penthouse, and the site-support cabinet will be painted to match the color of the rooftop, visually blending the proposed equipment with its surroundings. In order to ensure that the equipment is painted to match as described here, a condition of approval requiring such will be added to this decision.

Lastly, the equipment sizes are relatively small, compared to other available telecom equipment sizes, and compared to the defining architectural features of the subject building. The panel antennas are each about 4'-0" tall x 0'-6" wide, and the mounting pipes are each about 3" in diameter and no taller than 6'-6". Originally, the microwave dishes were proposed to be 2'-0" in diameter. Now they are proposed at 1'-2" long x 1'-2" wide. Not only are they now smaller, they are square-shaped instead of circular. This makes them more compatible with the panel antennas, which are rectangular. The panel antennas and microwave dishes will be located adjacent to existing square-shaped vents on the walls of the penthouse. The assembly of existing vents, panel antennas, and microwave dishes will be strongly orthogonal, rendering a cohesive composition on the walls of the penthouse. The sizes and shapes of the equipment make them an unobtrusive addition to the penthouse that will not adversely affect views of the Chown Pella Lofts from taller neighboring buildings.

The thoughtful location, treatment, and sizing of the proposed equipment promote quality and permanence in development. The equipment respects the original character of the building.

*With the condition of approval that the site-support cabinet be painted to match the color of the existing rooftop and all other equipment be painted to match the color of the penthouse, these guidelines are met.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed equipment will be located far from the pedestrian environment and will not be visible from adjacent sidewalks. The panel antennas and microwave dishes will be located on a penthouse that does not have historic significance, and the site-support cabinet will be located on the rooftop, far from the roof edges, adjacent to existing rows of vents. The proposal respects the architectural integrity of the Oregon Transfer Company buildings/Chown Pella Lofts and allows them to remain a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of 9 panel antennas and 5 microwave dishes on the existing penthouse located about 16'-0" from the western roof edge, and one site-support cabinet on the rooftop about 28'-0" from the western roof edge.

Approval per the approved plans, Exhibits C-1 through C-9, signed and dated September 2, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-115923 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The site-support cabinet must be painted to match the color of the existing rooftop, and all of the panel antennas, microwave dishes, mounting pipes, and associated cabling and hardware must be painted to match the existing penthouse.

Decision rendered by:  on September 2, 2008

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 4, 2008**

**Staff Planner: Kate Marcello**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on March 17, 2008, and was determined to be complete on April 30, 2008.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 17, 2008.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended. The timeline was extended for a total of 60 days. Please see Exhibit A-2 for details.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project

elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Thursday, September 18, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **Friday, September 19, 2008 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:

Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

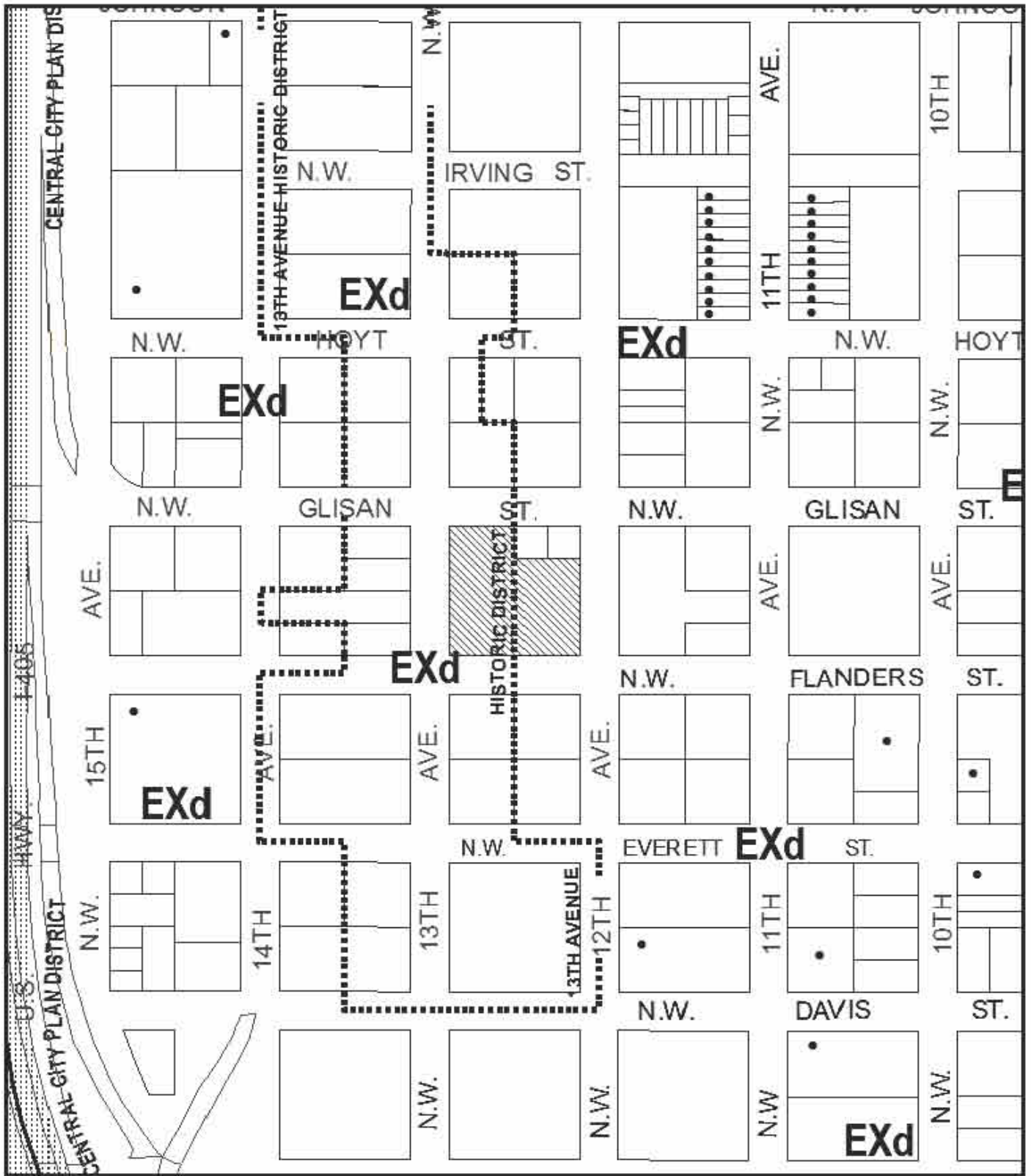
- A. Applicant's Statement
  1. Applicant's Narrative
  2. Request for Extension of 120-day Review Period
- B. Zoning Map (attached)
- C. Plans & Drawings:
  1. Site Plan (attached)
  2. Architectural Site Plan
  3. Enlarged Site Plan (attached)
  4. East & South Elevation Drawings (attached)
  5. West & North Elevation Drawings (attached)
  6. Penthouse Elevation Drawings (attached)
  7. Site-support Cabinet Detail Drawings
  8. Equipment Detail Drawings
  9. Electrical/Grounding Plan & Details
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: None received.
- F. Correspondence:
  1. Trisha and Tom Hassler, received 05/30/08, requesting careful installation of equipment
  2. Rita Silen, received 05/27/08, in opposition

3. Patricia Tarzian, received 05/28/08, in opposition
4. Nancy Trapp and Martin White, received 05/30/08, in opposition

G. Other:


1. Original LU Application
2. Site History Research
3. 14-day Letter ("Incomplete Letter")

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

 Site

 Historic Landmark



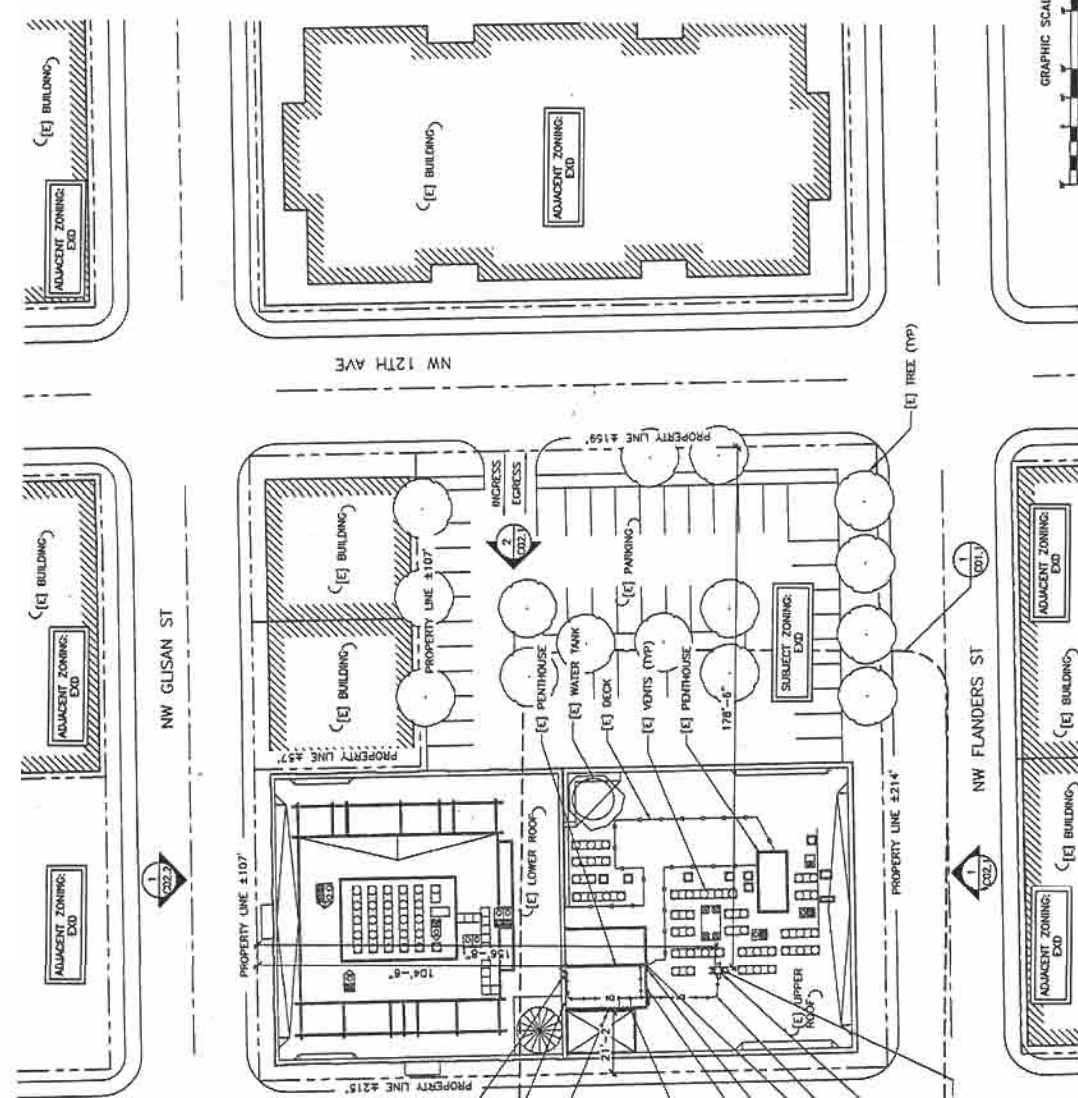
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 08-115923 HDZ  
 1/4 Section 3028  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33DA 70000  
 Exhibit B (May 12, 2008)

LEGAL DESCRIPTION  
NOT AVAILABLE AT THIS TIME  
Exhibit C-1

### LEGEND

---	SUBJECT BOUNDARY LINE
---	RIGHT-OF-WAY CENTERLINE
---	RIGHT-OF-WAY LINE
---	ADJACENT BOUNDARY LINE
---	SECTIONAL BREAKDOWN LINE
---	OVERHEAD POWER LINE
---	BURIED POWER LINE
---	BURIED GAS LINE
---	OVERHEAD TELEPHONE LINE
---	BURIED TELEPHONE LINE
---	BURIED WATER MAIN
---	BURIED SANITARY SEWER
---	BURIED STORM DRAIN
---	OTCO LINE/LOW VOLT
---	ROCK RETAINING WALL
---	VEGETATION LINE
---	CHAIN LINK FENCE
---	WOOD FENCE
---	BARBED WIRE FENCE
---	FIRE HYDRANT
---	GATE VALVE
---	WATER METER
---	FIRE SIGNAL WIRE
---	UTILITY POLE
---	POLE COIL WIRE
---	GAS VALVE
---	GAS METER
---	BOLLARD
---	MAIL BOX
---	TELEPHONE VAULT



OVERALL SITE PLAN  
SCALE 24x36 1" = 20'-0"  
SCALE 11x17 1" = 40'-0"

REV 0	OVERALL SITE PLAN
REV 1	DRAWING NUMBER
REV 2	OR-PORT136-E-CO1

5	08-05-08	REVISED FINAL SUBMITTAL SET A	BNH PHD	REH
4	07-11-08	REVISED FINAL ZONING DOCUMENTS	PHD PHD	REH
3	04-11-08	REVISED FINAL ZONING DOCUMENTS	PHD PHD	REH
2	02-13-08	FINAL ZONING DOCUMENTS	PHD PHD	REH
1	01-25-08	PRELIMINARY ZONING DOCUMENTS	PHD PHD	REH
NO.	DATE	REVISIONS	PHD PHD	REH
SCALE: AS SHOWN			DESIGNED BY: CBK	
			DRAWN BY: CBK	

**clear wire®**  
4400 CAROLAN POINT  
KIRKLAND, WA 98033

**POWER RIVER**  
Engineering Services, LLC

**CHOWN**  
OR-PORT136-E  
416 NW 13TH AVE  
PORTLAND, OR 97209

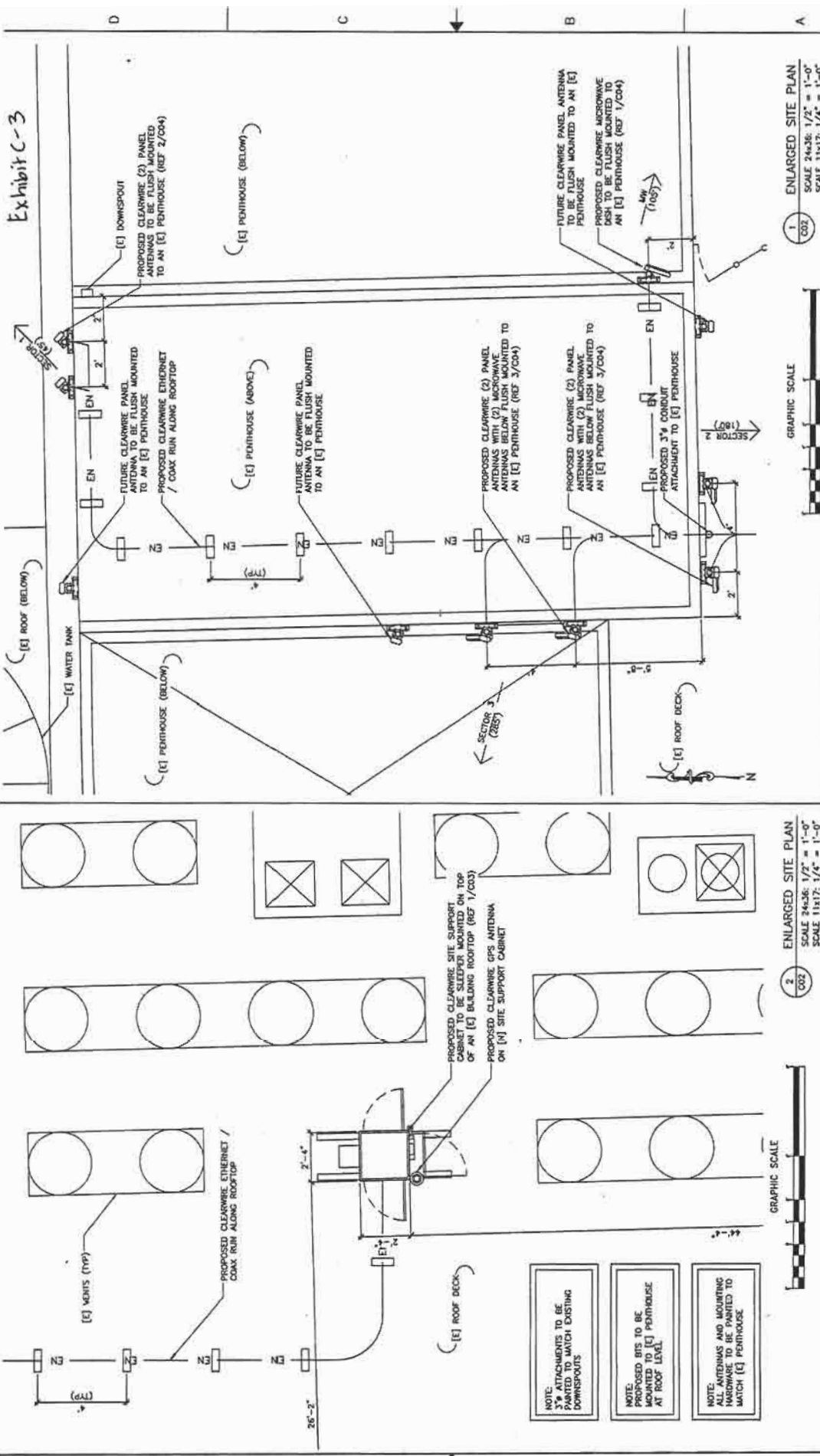
**PTS**  
PACIFIC TELECOM SERVICES, LLC  
1000 NE Oregon Street, Suite 200  
Portland, OR 97232

**City of Portland - Bureau of Development Services**  
Planner *Kathleen* Date *09-02-08*

**\*Approved\***  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-115923 HDZ

Exhibit C-3



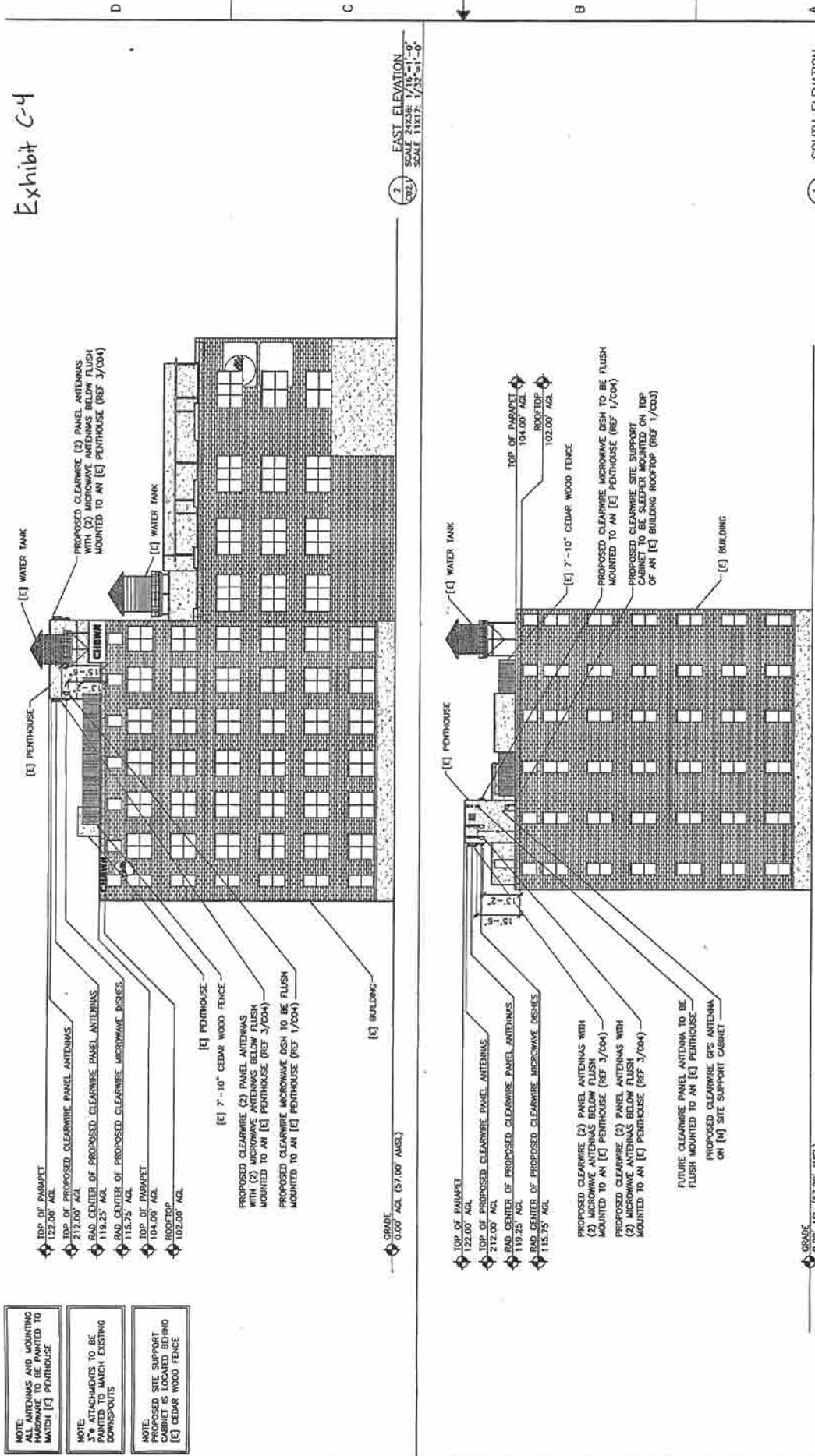
<p><b>PTTS</b> PACIFIC TELECOM SERVICES, LLC 1000 NE Oregon Street, Suite 1000 Portland, Oregon 97232 www.ptts.com</p>		<p><b>clear wire®</b> 4400 CARILLON POINT KIRKLAND, WA 98033</p>		<p>CHOWN OR-POR136-E 416 NW 13TH AVE PORTLAND, OR 97209</p>		<p>5 06-05-08 REVISED FINAL SUBMITTAL SET 4 07-11-08 REVISED FINAL ZONING DOCUMENTS 3 04-18-08 CITY COMMENTS 2 02-13-08 FINAL ZONING DOCUMENTS 1 01-25-08 PRELIMINARY ZONING DOCUMENTS</p>		<p>ENLARGED SITE PLAN SCALE 24x36: 1/2" = 1'-0" SCALE 11x17: 1/4" = 1'-0"</p>	
<p>REVISIONS BY: CHK APP'D</p>		<p>DESIGNED BY: CBK</p>		<p>DESIGNED BY: CBK</p>		<p>DRAWN BY: CBK</p>		<p>DRAWING NUMBER OR-POR136-E-C02</p>	

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner *Kattall* Date *09-02-08*  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-115923 HDZ



Exhibit C-4



NOTE: ALL ANTENNAS AND MOUNTING HARDWARE TO BE INSTALLED TO MATCH [E] PENTHOUSE

NOTE: 5% ATTACHMENTS TO BE MOUNTED TO MATCH EXISTING DOWNSPOUTS

NOTE: PROPOSED SITE SUPPORT CABINET IS LOCATED BEHIND [E] CEDAR WOOD FENCE

2 EAST ELEVATION  
SCALE 24X36: 1/16"=1'-0"  
SCALE 11X17: 1/32"=1'-0"

1 SOUTH ELEVATION  
SCALE 24X36: 1/16"=1'-0"  
SCALE 11X17: 1/32"=1'-0"

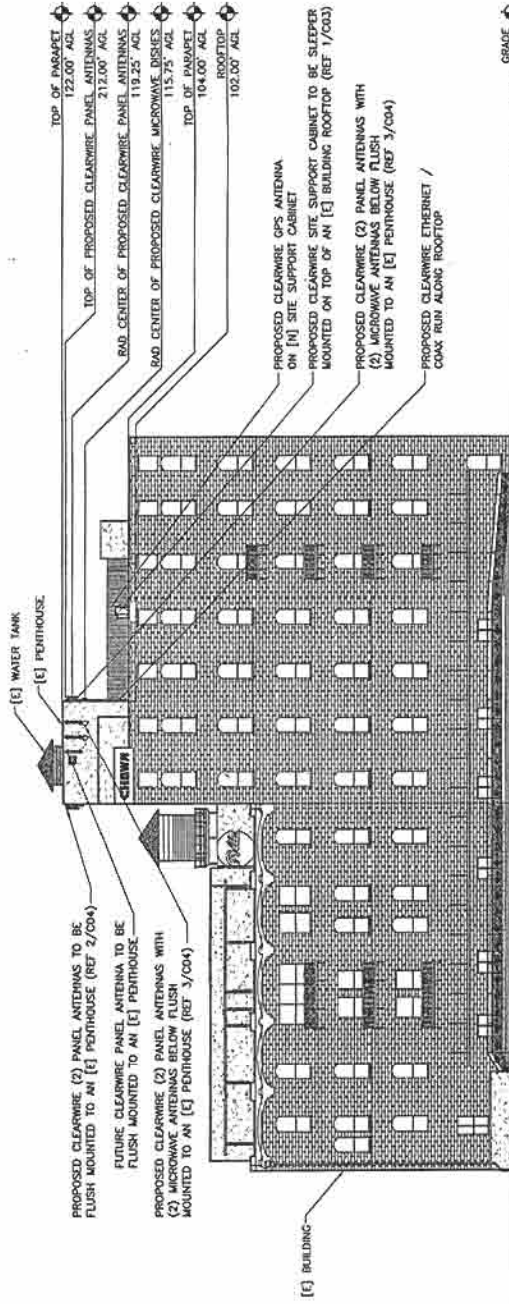
 <b>PTS</b> PACIFIC TELECOM SERVICES, LLC <small>1000 NE Oregon Street, Suite 200          Portland, OR 97232          Phone: (503) 253-2200 Fax: (503) 253-2201</small>	 <b>POWDER RIVER</b> Development Services, LLC	<b>clear wire®</b> 4400 CAGILLON POINT KIRKLAND, WA 98033	CHOWN OR-POR136-E 416 NW 13TH AVE PORTLAND, OR 97209	1 08-05-08 REVISED FINAL SUBMITTAL SET 2 07-11-08 REVISED FINAL ZONING DOCUMENTS 3 04-18-08 CITY COMMENTS 4 02-13-08 FINAL ZONING DOCUMENTS 5 01-25-08 PRELIMINARY ZONING DOCUMENTS NO. DATE REVISIONS SCALE: AS SHOWN   DESIGNED BY: CER	[R]M [P]H [R]H [C]K [P]H [R]H [P]H [P]H [R]H [P]H [P]H [R]H [C]K [P]H [R]H BY [C]K [A]P[D] DRAWN BY: CER

REGISTERED ARCHITECT - REGISTERED  
 NUMBER WA  
 MULTWA  
 BY  
 DATE

LU 08-115923 HDZ

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Kathleen* Date *09-02-08*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-5



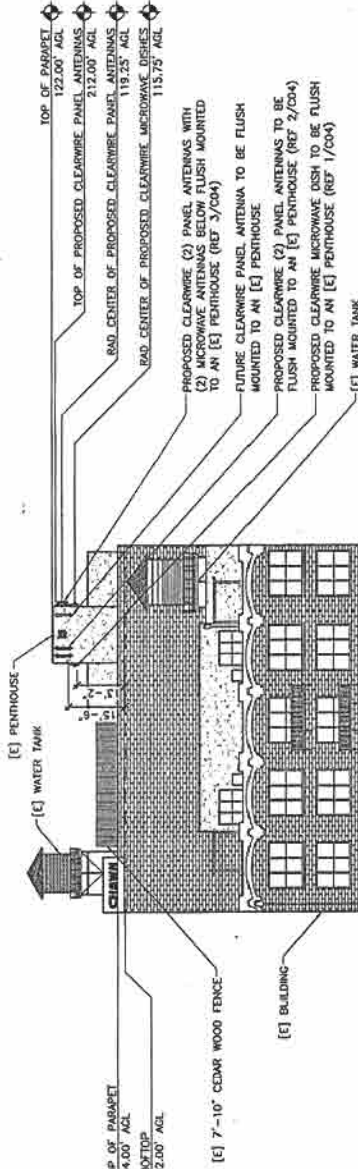
NOTE:  
ANTENNAS AND MOUNTING  
HARDWARE TO BE PAINTED TO  
MATCH [E] PENTHOUSE.

NOTE:  
3" ATTACHMENTS TO BE  
PAINTED TO MATCH EXISTING  
DOWNSPOUTS

2 WEST ELEVATION  
SCALE 2/32= 1/16"=1'-0"  
SCALE 1/16"= 1/32"=1'-0"

GRADE 0.00' AGL (57.00' AMSL)

1 NORTH ELEVATION  
SCALE 2/32= 1/16"=1'-0"  
SCALE 1/16"= 1/32"=1'-0"



GRADE 0.00' AGL (57.00' AMSL)

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CHOWN  
OR-POR136-E  
416 NW 13TH AVE  
PORTLAND, OR 97209

clear wire®  
4400 CARILLON POINT  
KIRKLAND, WA 98033

PACIFIC RIVER  
Development Services, LLC  
1000 NE 10th Ave, Suite 100  
Portland, OR 97232

PTS  
PACIFIC TELECOM SERVICES,  
LLC  
1000 NE 10th Ave, Suite 100  
Portland, OR 97232

5 08-05-08 REVISED FINAL SUBMITTAL SET  
4 07-11-08 REVISED FINAL ZONING DOCUMENTS  
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2 01-25-08 PRELIMINARY ZONING DOCUMENTS  
1 01-25-08 PRELIMINARY ZONING DOCUMENTS  
NO DATE DATE REVISIONS  
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DESIGNED BY: CSK

DATE: 09-02-08

DATE: 09-02-08

DATE: 09-02-08

DATE: 09-02-08

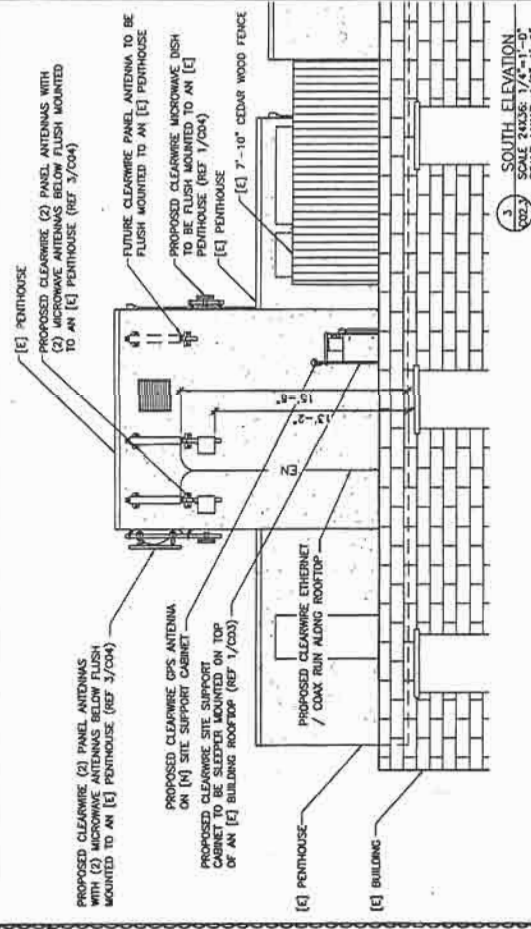
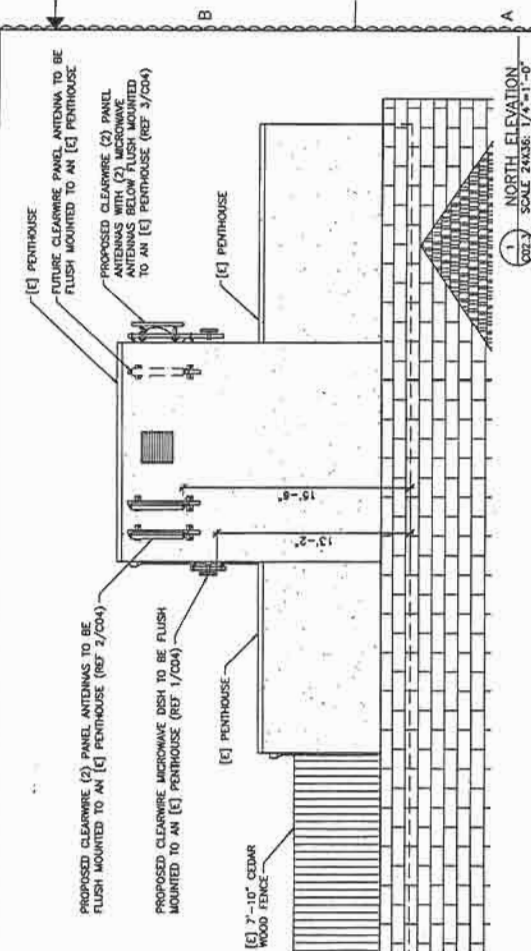
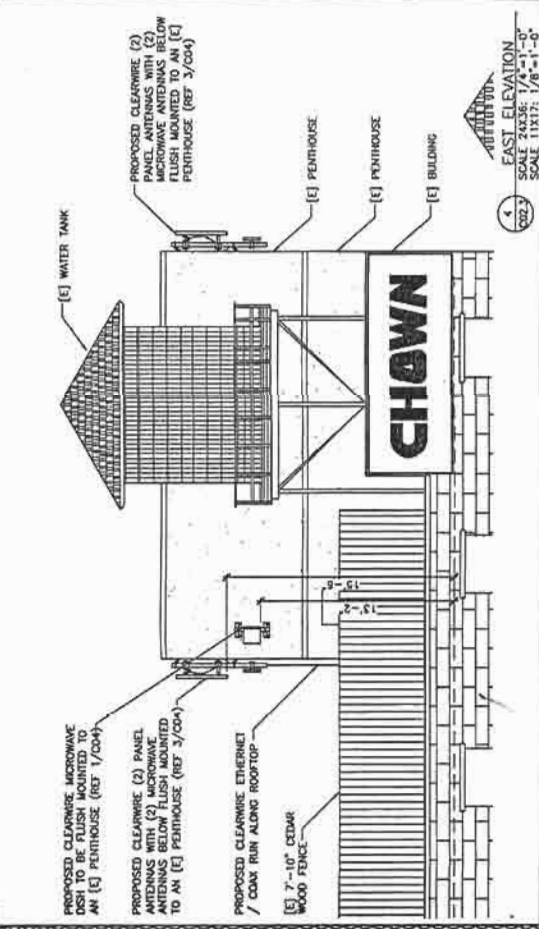
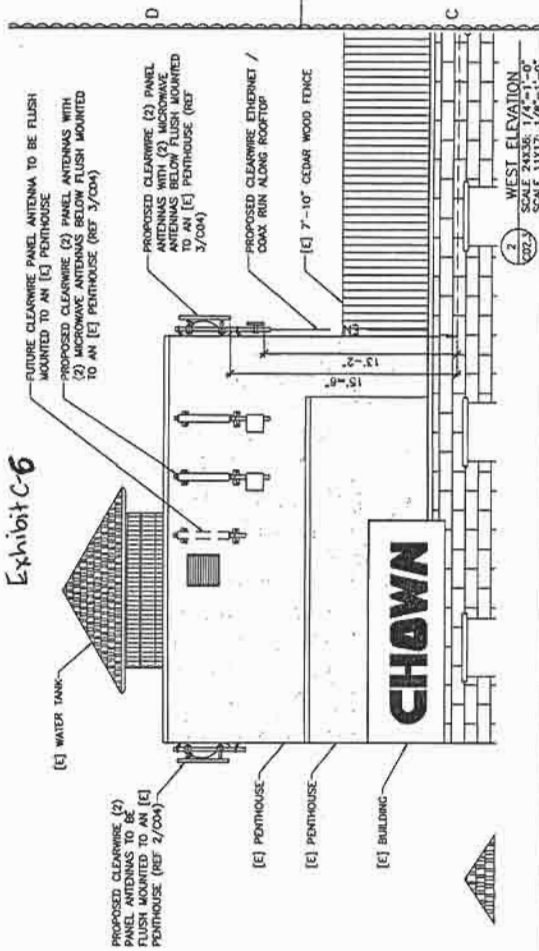
DATE: 09-02-08

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DATE: 09-02-08

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: *Sarah L...* Date: 09-02-08  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-15923 HDZ



<b>PTS</b> PACIFIC TELCOM SERVICES, LLC 1000 NE 12th Ave, Suite 200 Portland, OR 97232	<b>POWDER RIVER</b> Development Services, LLC 4400 OMBELTON POINT KIRKLAND, WA 98033	<b>clear wire®</b> CHOWN OR-POR136-E 415 NW 13TH AVE PORTLAND, OR 97209	<table border="1"> <tr><td>5</td><td>08-05-08</td><td>REVISED FINAL SUBMITTAL SET</td></tr> <tr><td>4</td><td>07-11-08</td><td>REVISED FINAL ZONING DOCUMENTS</td></tr> <tr><td>3</td><td>05-13-08</td><td>CITY COMMENTS</td></tr> <tr><td>2</td><td>05-13-08</td><td>FINAL ZONING DOCUMENTS</td></tr> <tr><td>1</td><td>01-25-08</td><td>PRELIMINARY ZONING DOCUMENTS</td></tr> <tr><td>REV.</td><td>DATE</td><td>REVISIONS</td></tr> </table>	5	08-05-08	REVISED FINAL SUBMITTAL SET	4	07-11-08	REVISED FINAL ZONING DOCUMENTS	3	05-13-08	CITY COMMENTS	2	05-13-08	FINAL ZONING DOCUMENTS	1	01-25-08	PRELIMINARY ZONING DOCUMENTS	REV.	DATE	REVISIONS
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SCALE	AS SHOWN	DESIGNED BY:	CHK																		

★ The equipment on the penthouse shall be painted to match the color of the penthouse. The site-support cabinet shall be painted to match the color of the rooftop.

LU 08-115923 HDZ

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date 09-02-08  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.